

Ifw



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/623,908
Filing Date	July 21, 2003
First Named Inventor	Paul J. Kawula
Group Art Unit	3731
Examiner Name	Unassigned
Attorney Docket Number	50623.245

Total Number of Pages in This Submission  
(excluding references)

12

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Deposit Account 07-1850 Authorization	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Postage Paid Return Postcard	<input type="checkbox"/> Drawing(s) In/Formal ____ Sheets with Submission of Drawings Transmittal	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Issue Fee Transmittal with PTO-85b (in duplicate)	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Amendment Transmittal Letter (in duplicate)	<input type="checkbox"/> Request for Continued Examination Transmittal (RCE)	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Fee Transmittal Form (in duplicate)	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Petition for Extension of Time (____ months) (in duplicate)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 25 References
<input checked="" type="checkbox"/> Information Disclosure Statement (in duplicate) with Form PTO-1449 (7 pgs.) citing 193 references	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Express Mail Label No.	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) ____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Squire, Sanders & Dempsey L.L.P. Charles E. Runyan, Ph.D., Reg. No. 43,066
Signature	
Date	March 16, 2005

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a box addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: March 16, 2005

Typed or printed name	Vera Breder		
Signature		Date	March 16, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Examiner: Unassigned

Paul J. Kawula

Serial No. 10/623,908

Art Unit: 3731

Filed: July 21, 2003

Title: Porous Glass Fused Onto Stent for Drug Retention

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. §§1.97-1.98**

Dear Examiner:

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and pursuant to 37 C.F.R. §§1.97-1.98, Applicant hereby notifies the U.S. Patent and Trademark Office of the references listed on the attached Form PTO-1449. According to a Notice signed July 11, 2003, the U.S. Patent and Trademark Office has waived the requirement under 37 C.F.R. § 1.98(a)(2)(i) for all patent applications filed after June 30, 2003. *See*, 1276 Off. Gaz. Pat. Office 55. Since this patent application was filed after June 30, 2003, Applicant has not provided copies of the cited U.S. patents or the U.S. Patent Application Publications. Copies of the cited foreign patent documents and non-patent literature have been submitted herewith.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant reserves the right to dispute the listed documents as prior art during examination. Furthermore, Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application. The submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other material information may exist.

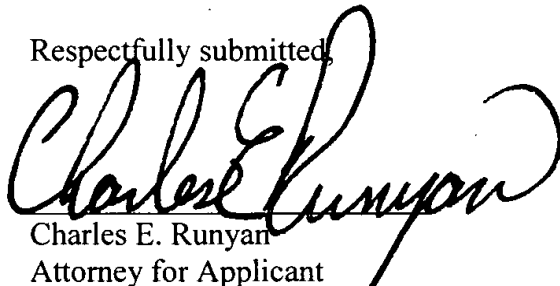
The Examiner is requested to initial the enclosed Form PTO-1449 and return a copy thereof to the undersigned.

The present Information Disclosure Statement is being filed before receiving the first Office Action. Therefore, no certification under 37 C.F.R. §1.97(e) or fee under 37 C.F.R. §1.17(p) is required. However, the Commissioner is authorized to charge any deficiencies or other amounts due to Deposit Account No. 07-1850.

Date: March 16, 2005

SQUIRE, SANDERS & DEMPSEY L.L.P.  
One Maritime Plaza, Suite 300  
San Francisco, CA 94111  
Telephone (415) 954-0200  
Facsimile (415) 393-9887

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles E. Runyan", is written over a horizontal line.

Charles E. Runyan  
Attorney for Applicant  
Reg. No. 43,066

<b>FORM PTO-1449 (Modified)</b>		US DEPARTMENT OF COMMERCE		Docket No. 50623.245		Application No. 10/623,908	
US Patent and Trademark Office				Applicant Paul J. Kawula			
<b>INFORMATION DISCLOSURE CITATION</b> <b>in an Application</b> (Use several sheets if necessary)				Filing Date July 21, 2003		Group Art Unit 3731	
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Ref. No.	Document Number	Date of Patent	Name	Class	Subclass	Filing Date if Appropriate	
A1	2,072,303	3/2/37	Herrmann et al.	128	335.5	10/14/33	
A2	2,386,454	10/9/45	Frosch et al.	260	78	11/22/40	
A3	3,773,737	11/20/73	Goodman et al.	260	78	6/9/71	
A4	3,849,514	11/19/74	Gray, Jr. et al.	260	857	9/5/69	
A5	4,226,243	10/7/80	Shalaby et al.	128	335.5	7/27/79	
A6	4,343,931	8/10/82	Barrows	528	291	12/17/79	
A7	4,529,792	7/16/85	Barrows	528	291	5/6/82	
A8	4,611,051	9/9/86	Hayes et al.	528	295.3	12/31/85	
A9	4,656,242	4/7/87	Swan et al.	528	295.3	6/7/85	
A10	4,886,062	12/12/89	Wiktor	128	343	10/19/87	
A11	4,931,287	6/5/90	Bae et al.	424	484	6/14/88	
A12	5,019,096	5/28/91	Fox, Jr. et al.	623	1	10/14/88	
A13	5,100,992	3/31/92	Cohn et al.	424	501	5/3/90	
A14	5,133,742	7/28/92	Pinchuk	623	1	11/14/91	
A15	5,219,980	6/15/93	Swidler	528	272	4/16/92	
A16	5,258,020	11/2/93	Froix	623	1	4/24/92	
A17	5,306,786	4/26/94	Moens et al.	525	437	12/16/91	
A18	5,485,496	1/16/96	Lee et al.	378	64	9/22/94	
A19	5,516,881	5/14/96	Lee et al.	528	320	8/10/94	
A20	5,584,877	12/17/96	Miyake et al.	623	1	6/23/94	
A21	5,607,467	3/4/97	Froix	623	1	6/23/93	
A22	5,610,241	3/11/97	Lee et al.	525	411	5/7/96	
A23	5,616,338	4/1/97	Fox, Jr. et al.	424	423	4/19/91	
A24	5,644,020	7/1/97	Timmermann et al.	528	288	5/10/96	
A25	5,674,242	10/7/97	Phan et al.	606	198	11/15/96	

	A26	5,711,958	1/27/98	Cohn et al.	424	423	7/11/96
	A27	5,721,131	2/24/98	Rudolph et al.	435	240	4/28/94
	A28	5,723,219	3/3/98	Kolluri et al.	428	411.1	12/19/95
	A29	5,759,205	6/2/98	Valentini	623	16	1/20/95
	A30	5,783,657	7/21/98	Pavlin et al.	528	310	10/18/96
	A31	5,849,859	12/15/98	Acemoglu	528	271	3/23/93
	A32	5,854,376	12/29/98	Higashi	528	288	3/11/96
	A33	5,879,713	3/9/99	Roth et al.	424	489	1/23/97
	A34	5,902,875	5/11/99	Roby et al.	528	310	1/28/98
	A35	5,905,168	5/18/99	Dos Santos et al.	562	590	12/10/93
	A36	5,910,564	6/8/99	Gruning et al.	528	310	12/6/96
	A37	5,914,387	6/22/99	Roby et al.	528	310	1/28/98
	A38	5,919,893	7/6/99	Roby et al.	525	411	1/28/98
	A39	5,932,299	8/3/99	Katoot	427	508	4/22/97
	A40	5,958,385	9/28/99	Tondeur et al.	424	61	9/28/95
	A41	5,962,138	10/5/99	Kolluri et al.	428	411.1	11/24/97
	A42	6,011,125	1/4/00	Lohmeijer et al.	525	440	9/25/98
	A43	6,034,204	3/7/00	Mohr et al.	528	328	8/7/98
	A44	6,051,576	4/18/00	Ashton et al.	514	255	1/29/97
	A45	6,054,553	4/25/00	Groth et al.	528	335	11/12/96
	A46	6,120,536	9/19/00	Ding et al.	623	1.43	6/13/96
	A47	6,120,788	9/19/00	Barrows	424	426	10/16/98
	A48	6,136,333	10/24/00	Cohn et al.	424	423	7/11/97
	A49	6,143,354	11/7/00	Koulik et al.	427	2.24	2/8/99
	A50	6,159,978	12/12/00	Myers et al.	514	252.1	11/24/98
	A51	6,172,167	1/9/01	Stapert et al.	525	420	6/27/97
	A52	6,177,523	1/23/01	Reich et al.	525	459	7/14/99
	A53	6,180,632	1/30/01	Myers et al.	514	252.1	11/24/98
	A54	6,211,249	4/3/01	Cohn et al.	514	772.1	1/13/98
	A55	6,214,901	4/10/01	Chudzik et al.	523	113	4/15/99
	A56	6,245,760	6/12/01	He et al.	514	234.8	11/24/98
	A57	6,248,129	6/19/01	Froix	623	1.42	10/23/98

	A58	6,258,371	7/10/01	Koulik et al.	424	422	4/3/98
	A59	6,262,034	7/17/01	Mathiowitz et al.	514	44	11/25/97
	A60	6,270,788	8/7/01	Koulik et al.	424	423	10/4/99
	A61	6,277,449	8/21/01	Kolluri et al.	427	289	6/30/99
	A62	6,344,035	2/5/02	Chudzik et al.	604	265	10/20/00
	A63	6,387,379	5/14/02	Goldberg et al.	424	400	2/28/94
	A64	6,482,834	11/19/02	Spada et al.	514	311	4/6/01
	A65	6,503,538	1/7/03	Chu et al.	424	497	8/30/00
	A66	6,524,347	2/25/03	Myers et al.	2514	252.1	9/29/00
	A67	6,528,526	3/4/03	Myers et al.	214	311	9/29/00
	A68	6,530,950	3/11/03	Alvarado et al.	623	1.13	8/3/00
	A69	6,530,951	3/11/03	Bates et al.	623	1.45	10/23/97
	A70	6,585,755	7/1/03	Jackson et al.	623	1.15	6/29/01
	A71	6,616,765	9/9/03	Hossaony et al.	623	1.45	1/10/02
	A72	6,623,448	9/23/03	Slater	604	95.01	3/30/01
	A73	6,625,486	9/23/03	Lundkvist et al.	604	21	4/11/01
	A74	6,645,135	11/11/03	Bhat	600	3	3/30/01
	A75	6,645,195	11/11/03	Bhat et al.	604	528	1/5/01
	A76	6,656,216	12/2/03	Hossainy et al.	623	1.13	6/29/01
	A77	6,656,506	12/2/03	Wu et al.	424	489	5/9/01
	A78	6,660,034	12/9/03	Mandrusov et al.	623	1.42	4/30/01
	A79	6,663,662	12/16/03	Pacetti et al.	623	1.13	12/28/00
	A80	6,663,880	12/16/03	Roorda et al.	424	423	11/30/01
	A81	6,666,880	12/23/03	Chiu et al.	623	1.11	6/19/01
	A82	6,673,154	1/6/04	Pacetti et al.	118	500	6/28/01
	A83	6,673,385	1/6/04	Ding et al.	427	2.28	6/28/01
	A84	6,689,099	2/10/04	Mirzaee	604	107	2/27/01
	A85	6,695,920	2/24/04	Pacetti et al.	118	500	6/27/01
	A86	6,706,013	3/16/04	Bhat et al.	604	96.01	6/29/01
	A87	6,709,514	3/23/04	Hossainy	118	52	12/28/01

	A88	6,712,845	3/30/04	Hossainy	623	1.42	4/24/01
	A89	6,713,119	3/30/04	Hossainy et al.	427	2.25	12/23/99
	A90	6,716,444	4/6/04	Castro et al.	424	422	9/28/00
	A91	6,723,120	4/20/04	Yan	623	1.15	9/3/02
	A92	6,733,768	5/11/04	Hossainy et al.	424	426	6/25/02
	A93	6,740,040	5/25/04	Mandrusov et al.	600	439	1/30/01
	A94	6,743,462	6/1/04	Pacetti	427	2.24	5/31/01
	A95	6,749,626	6/15/04	Bhat et al.	623	1.1	11/17/00
	A96	6,753,071	6/22/04	Pacetti et al.	428	212	9/27/01
	A97	6,758,859	7/6/04	Dang et al.	623	1.15	10/30/00
	A98	6,759,054	7/6/04	Chen et al.	424	423	12/28/00
	A99	6,764,505	7/20/04	Hossainy et al.	623	1.15	4/12/01

### U.S. PATENT APPLICATION PUBLICATION DOCUMENTS

Examiner Initial	Ref. No.	Document Number	Date of Publication	Name	Class	Subclass	Filing Date if Appropriate
	A100	2001/0007083	7/5/01	Roorda	623	1.15	12/21/00
	A101	2001/0014717	8/16/01	Hossainy et al.	525	60	12/28/00
	A102	2001/0020011	9/6/01	Mathiowitz et al.	514	44	3/23/01
	A103	2001/0029351	10/11/01	Falotico et al.	604	103.02	5/7/01
	A104	2001/0051608	12/13/01	Mathiowitz et al.	514	44	10/15/98
	A105	2002/0005206	1/17/02	Falotico et al.	128	898	5/7/01
	A106	2002/0007213	1/17/02	Falotico et al.	623	1.21	5/7/01
	A107	2002/0007214	1/17/02	Falotico	623	1.21	5/7/01
	A108	2002/0007215	1/17/02	Falotico et al.	623	1.21	5/7/01
	A109	2002/0009604	1/24/02	Zamora et al.	428	450	12/21/00
	A110	2002/0016625	2/7/02	Falotico et al.	623	1.13	5/7/01
	A111	2002/0032414	3/14/02	Ragheb et al.	604	265	5/7/01
	A112	2002/0032434	3/14/02	Chudzik et al.	604	890.1	11/21/01
	A113	2002/0051730	5/2/02	Bodnar et al.	422	33	9/28/01
	A114	2002/0071822	6/13/02	Uhrich	424	78.37	7/27/01
	A115	2002/0082679	6/27/02	Sirhan et al.	623	1.15	11/1/01
	A116	2002/0087123	7/4/02	Hossainy et al.	604	198	1/2/01

	A117	2002/0094440	7/18/02	Llanos et al.	428	421	9/25/01
	A118	2002/0111590	8/15/02	Davila et al.	604	265	9/25/01
	A119	2002/0120326	8/29/02	Michal	623	1.15	12/22/00
	A120	2002/0123801	9/5/02	Pacetti et al.	623	1.46	12/28/00
	A121	2002/0142039	10/3/02	Claude	424	486	3/30/01
	A122	2002/0165608	11/7/02	Llanos et al.	623	1.45	6/22/01
	A123	2002/0176849	11/28/02	Slepian	424	93.7	2/8/02
	A124	2002/0183581	12/5/02	Yoe et al.	600	3	5/31/01
	A125	2002/0188037	12/12/02	Chudzik et al.	523	112	6/18/02
	A126	2002/0188277	12/12/02	Roorda et al.	604	523	5/18/01
	A127	2003/0004141	1/2/03	Brown	514	152	3/8/02
	A128	2003/0028243	2/6/03	Bates et al.	623	1.15	8/14/02
	A129	2003/0028244	2/6/03	Bates et al.	623	1.15	8/14/02
	A130	2003/0031780	2/13/03	Chudzik et al.	427	2.1	10/10/02
	A131	2003/0032767	2/13/03	Tada et al.	528	310	2/5/01
	A132	2003/0036794	2/20/03	Ragheb et al.	623	1.15	8/19/02
	A133	2003/0039689	2/27/03	Chen et al.	424	468	4/26/02
	A134	2003/0040712	2/27/03	Ray et al.	604	173	10/10/02
	A135	2003/0040790	2/27/03	Furst	623	1.11	7/31/02
	A136	2003/0059520	3/27/03	Chen et al.	427	2.1	9/27/01
	A137	2003/0060877	3/27/03	Falotico et al.	623	1.42	4/15/02
	A138	2003/0072868	4/17/03	Harish et al.	427	2.24	11/25/02
	A139	2003/0073961	4/17/03	Happ	604	274	9/28/01
	A140	2003/0083646	5/1/03	Sirhan et al.	604	891.1	12/14/01
	A141	2003/0083739	5/1/03	Cafferata	623	1.42	9/24/02
	A142	2003/0097088	5/22/03	Pacetti	604	19	11/12/01
	A143	2003/0097173	5/22/03	Dutta	623	1.38	1/10/03
	A144	2003/0105518	6/5/03	Dutta	623	1.38	1/10/03
	A145	2003/0113439	6/19/03	Pacetti et al.	427	2.24	11/18/02
	A146	2003/0150380	8/14/03	Yoe	118	423	2/19/03
	A147	2003/0157241	8/21/03	Hossainy et al.	427	2.24	3/5/03
	A148	2003/0158517	8/21/03	Kokish	604	103.01	2/11/03
	A149	2003/0190406	10/9/03	Hossainy et al.	427	2.25	4/10/03



	A150	2003/0207020	11/6/03	Villareal	427	2.24	4/22/03
	A151	2003/0211230	11/13/03	Pacetti et al.	427	2.24	4/7/03
	A152	2004/0018296	1/29/04	Castro et al.	427	2.25	6/23/03
	A153	2004/0029952	2/12/04	Chen et al.	514	449	8/1/03
	A154	2004/0047978	3/11/04	Hossainy et al.	427	2.1	8/12/03
	A155	2004/0047980	3/11/04	Pacetti et al.	427	2.25	9/8/03
	A156	2004/0052858	3/18/04	Wu et al.	424	490	9/15/03
	A157	2004/0052859	3/18/04	Wu et al.	424	490	9/15/03
	A158	2004/0054104	3/18/04	Pacetti	526	242	9/5/02
	A159	2004/0060508	4/1/04	Pacetti et al.	118	264	9/12/03
	A160	2004/0062853	4/1/04	Pacetti et al.	427	2.1	10/2/03
	A161	2004/0063805	4/1/04	Pacetti et al.	523	113	9/19/02
	A162	2004/0071861	4/15/04	Mandrusov et al.	427	2.24	10/2/03
	A163	2004/0072922	4/15/04	Hossainy et al.	523	113	10/9/02
	A164	2004/0073298	4/15/04	Hossainy	623	1.46	10/8/03
	A165	2004/0086542	5/6/04	Hossainy et al.	424	423	12/16/02
	A166	2004/0086550	5/6/04	Roorda et al.	424	448	10/24/03
	A167	2004/0096504	5/20/04	Michal	424	471	11/12/03
	A168	2004/0098117	5/20/04	Hossainy et al.	623	1.42	9/22/03

### FOREIGN PATENT DOCUMENTS

Examiner Initial	Ref. No.	Document Number	Date of Publication	Country	Class	Subclass	Translation	
							Yes	No
	B1	SU 872531	10/15/81	SU (English Abstract)				
	B2	SU 876663	10/30/81	SU (English Abstract)				
	B3	SU 905228	2/15/82	SU (English Abstract)				
	B4	SU 790725	2/9/83	SU (English Abstract)				
	B5	SU 1016314	5/7/83	SU (English Abstract)				
	B6	SU 811750	9/23/83	SU (English Abstract)				
	B7	SU 1293518	2/28/87	SU (English Abstract)				
	B8	EP 0 396 429	11/7/90	European				
	B9	DE 42 24 401	1/27/94	Germany			X	
	B10	WO 94/09760	5/11/94	PCT				
	B11	WO 95/24929	9/21/95	PCT				
	B12	WO 98/08463	3/5/98	PCT				

	B13	WO 98/17331	4/30/98	PCT				
	B14	WO 98/32398	7/30/98	PCT				
	B15	EP 1 023 879	8/2/00	EPO				
	B16	WO 01/51027	7/19/01	PCT				
	B17	EP 1 192 957	4/3/02	EPO				
	B18	WO 02/058753	8/1/02	PCT				
	B19	WO 02/102283	12/27/02	PCT				
	B20	WO 03/080147	10/2/03	PCT				
	B21	WO 03/082368	10/9/03	PCT				
	B22	WO 04/000383	12/31/03	PCT				
	B23	WO 04/009145	1/29/04	PCT				
<b>OTHER DOCUMENTS</b> (Including Author, Title, Date, Pertinent Pages, etc.)								
	C1	Katsarava et al., <i>Amino Acid-Based Bioanalogous Polymers. Synthesis and Study of Regular Poly(ester amide)s Based on Bis(<math>\alpha</math>-amino acid)<math>\alpha,\omega</math>-Alkylene Diesters, and Aliphatic Dicarboxylic Acids</i> , Journal of Polymer Science, Part A: Polymer Chemistry, 37(4), 391-407 (1999).						
	C2	Saotome, et al., <i>Novel Enzymatically Degradable Polymers Comprising <math>\alpha</math>-Amino Acid, 1,2-Ethanediol, and Adipic Acid</i> , Chemistry Letters, pp. 21-24, (1991).						
EXAMINER				DATE CONSIDERED				
EXAMINER: Initial if references considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								